

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

KEVIN L. PRICE,)
)
 Plaintiff,)
)
 v.) Civil Action No. 04-1357
) Judge Alan Bloch
 Warden JOHN WALTON,) Magistrate Judge Caiazza
 Deputy Warden, STEVE CMAR,) In Re: Doc. 9
 and BILL NICHOLSON, Naphcare,)
)
 Defendants.)

MEMORANDUM ORDER

The Plaintiff's complaint was received by the Clerk of Court on September 7, 2004, and was referred to United States Magistrate Judge Francis X. Caiazza for pretrial proceedings in accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrates.

The magistrate judge's Report, filed on November 18, 2005, that the Defendants' Motion for Summary Judgment be granted.

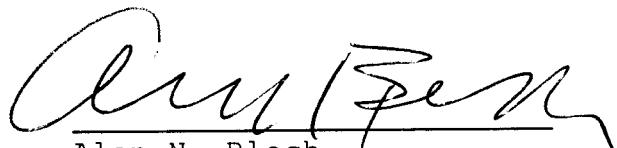
Service was made on the Plaintiff by First Class United States Mail delivered to the Westmoreland County Prison, Greensburg, Pennsylvania, where he is incarcerated and on the Defendant. Objections were filed on November 28, 2005 by the Plaintiff. After de novo review of the pleadings and documents in the case, together with the Report and Recommendation and the objections thereto, the following order is entered:

AND NOW, this 3rd day of January, 2006:

IT IS HEREBY ORDERED that the Defendants' Motion for Summary Judgment is GRANTED.

IT IS FURTHER ORDERED that JUDGMENT is entered in favor of the Defendants and against the Plaintiff. The Clerk is directed to mark this case closed.

The Report and Recommendation of Magistrate Judge Caiazza, (Doc. 13) dated November 18, 2005, is adopted as the opinion of the court.



Alan N. Bloch
U.S. District Court Judge

CC:

Francis X. Caiazza
U.S. Magistrate Judge

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